

Notice of Mortgage Payment Change - Rule 3002.1

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Rule 3002.1



- **Provides a process for a Chapter 13 debtor to cure a default and maintain payments on a home mortgage during the plan.**
- **Applies to claims that are (1) secured by a security interest in the debtor's principal residence; and (2) provided for under 1322(b)(5) of the Code in the debtor's plan.**
- **Effective December 1, 2011**
- **Courts need to be live on Release 4.2 on December 1, 2011**

Rule 3002.1



**Creditors must file three new events as
*supplements to the claim:***

- **Notice of Mortgage Payment Change**
- **Notice of Postpetition Mortgage Fees, Expenses, and Charges**
- **Response to Notice of Final Cure Payment**

Rule 3002.1 – December 1, 2011

Three New Claim Events :

- Supplement to claim on claims register
- Not an attachment to the claim
- Not an amended claim
- Docketed as a claims event
- Not on the public docket report
- Will appear on the claims register history
- Will not have a document number

Notice of Mortgage Payment Change

B 10 (Supplement 1) (12/11)

UNITED STATES BANKRUPTCY COURT

_____ District of _____

In re _____, Case No. _____
Debtor Chapter 13

Notice of Mortgage Payment Change

If you file a claim secured by a security interest in the debtor's principal residence provided for under the debtor's plan pursuant to § 1322(b)(5), you must use this form to give notice of any changes in the installment payment amount. File this form as a supplement to your proof of claim at least 21 days before the new payment amount is due. See Bankruptcy Rule 3002.1.

Name of creditor: _____ Court claim no. (if known): _____

Last four digits of any number
you use to identify the debtor's
account: _____

Date of payment change:
Must be at least 21 days after date of
this notice _____/_____/_____
New total payment: \$ _____
Principal, interest, and escrow, if any

- B10 Supplement 1
Notice is filed as a “supplement” to the claim.
- Creditor will notify the debtor, debtor’s attorney, and trustee of any changes in the payment amount no later than 21 days before the new payment amount is due.

Notice of Postpetition Mortgage Fees, Expenses, and Charges (B10 Supplement 2)

B 10 (Supplement 2) (12/11)

Part 1: Itemize Postpetition Fees, Expenses, and Charges

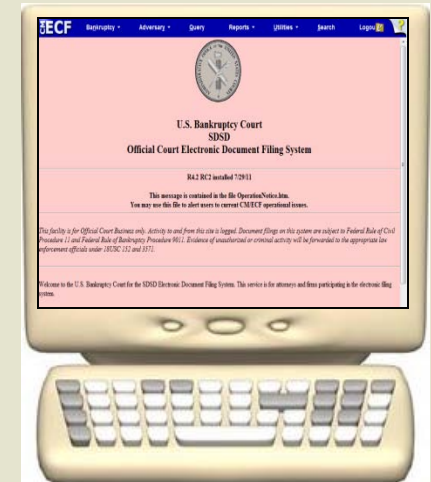
Itemize the fees, expenses, and charges incurred on the debtor's mortgage account after the petition was filed. Do not include any escrow account disbursements or any amounts previously itemized in a notice filed in this case or ruled on by the bankruptcy court.

Description	Dates incurred	Amount
1. Late charges	_____	(1) \$ _____
2. Non-sufficient funds (NSF) fees	_____	(2) \$ _____
3. Attorney fees	_____	(3) \$ _____
4. Filing fees and court costs	_____	(4) \$ _____
5. Bankruptcy/Proof of claim fees	_____	(5) \$ _____
6. Appraisal/Broker's price opinion fees	_____	(6) \$ _____
7. Property inspection fees	_____	(7) \$ _____
8. Tax advances (non-escrow)	_____	(8) \$ _____
9. Insurance advances (non-escrow)	_____	(9) \$ _____
10. Property preservation expenses. Specify: _____	_____	(10) \$ _____
11. Other. Specify: _____	_____	(11) \$ _____
12. Other. Specify: _____	_____	(12) \$ _____
13. Other. Specify: _____	_____	(13) \$ _____
14. Other. Specify: _____	_____	(14) \$ _____

Courts will need to create three new events in dictionary as claims supplements

Events are filed by the Mortgage Creditor

- **Notice of Mortgage Payment Change**
- **Notice of Postpetition Mortgage Fees, Expenses, and Charges**
- **Response to Notice of Final Cure Payment Rule 3002.1**



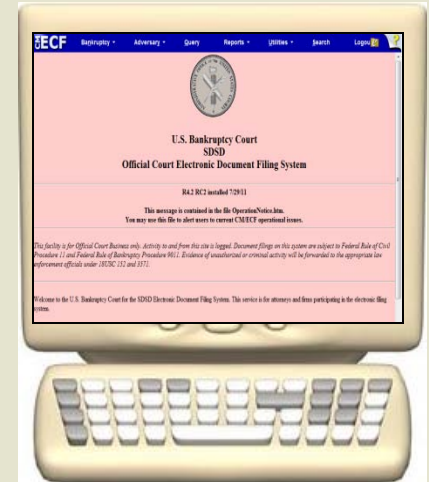
Three New Events

Type	Subtype	Select Text	Docket Text	Summary Text	List	Functions
claims	ntcfeex	Notice of Postpetition Mortgage Fees, Expenses, and Charges	Notice of Postpetition Mortgage Fees, Expenses, and Charges (Claim # ~ShowClaimNum({sequence})~ Filed by ~FormatText('{GetPersonName(rolefiler)}', '')~ ~ShowTextBox({sequence})~	Notice of Postpetition Mortgage Fees, Expenses, and Charges	claim	PickAttorney();PickFiler('nogroup','showtermpty');LinkPartyAtty();file;doc('Paper3','AssignDocNumNone');ClaimNum('','nostat')
claims	ntcpaych	Notice of Mortgage Payment Change	Notice of Mortgage Payment Change (Claim # ~ShowClaimNum({sequence})~ Filed by ~FormatText('{GetPersonName(rolefiler)}', '')~ ~ShowTextBox({sequence})~	Notice of Mortgage Payment Change	claim	PickAttorney();PickFiler('nogroup','showtermpty');LinkPartyAtty();file;doc('Paper3','AssignDocNumNone');ClaimNum('','nostat')
claims	resntccu	Response to Notice of Final Cure Payment Rule 3002.1	Response to Notice of Final Cure Payment Rule 3002.1 (Claim # ~ShowClaimNum({sequence})~ Filed by ~FormatText('{GetPersonName(rolefiler)}', '')~ ~ShowTextBox({sequence})~	Response to Notice of Final Cure Payment Rule 3002.1	claim	PickAttorney();PickFiler('nogroup','showtermpty');LinkPartyAtty();file;doc('Paper3','AssignDocNumNone');ClaimNum('','nostat')

Note: Refer to the SDSD Training Web page for the Current Dictionary Changes document that discusses the five related motion, order, and notice events that should be added to the court's dictionary.


Additional New Events Regarding Rule 3002.1

Not Filed by the Mortgage Creditor



- **Motion to Determine Mortgage Fees and Expenses**
- **Order on Motion to Determine Mortgage Fees and Expenses**
- **Motion to Determine Final Cure and Mortgage Payment Rule 3002.1**
- **Order on Motion to Determine Final Cure and Mortgage Payment**
- **Notice of Final Cure Mortgage Payment**
- **All events are in the starter dictionary**

Claims Register

MECF			Bankruptcy ▾	Adversary ▾	Query	Reports ▾	Utilities ▾	Search	Logou 
SDSD Claims Register									
11-10019 Savannah Black									
Judge: Charles Anderson					Chapter: 13				
Office: Pleasantville					Last Date to file claims:				
Trustee: Sam J. Carson					Last Date to file (Govt):				
Creditor: (34180) Amarillo National Bank Po Box 300 Amarillo TX 79105			Claim No: 1 <i>Original Filed Date:</i> 05/20/2011 <i>Original Entered Date:</i> 08/05/2011			Status: <i>Filed by:</i> CR <i>Entered by:</i> Deanna Liska <i>Modified:</i>			
Amount claimed: \$175000.00 Secured claimed: \$175000.00									
History:									
Details 1-1 05/20/2011 Claim #1 filed by Amarillo National Bank. Amount claimed: \$175000.00 (Liska, Deanna)									
doc 08/24/2011 Notice of Mortgage Payment Change (Claim # 1) Filed by Creditor Amarillo National Bank (Liska, Deanna)									
doc 08/24/2011 Notice of Postpetition Mortgage Fees, Expenses, and Charges (Claim # 1) Filed by Creditor Amarillo National Bank (Liska, Deanna)									
doc 08/24/2011 Response to Notice of Final Cure Payment Rule 3002.1 (Claim # 1) Filed by Creditor Amarillo National Bank (Liska, Deanna)									
Description:									
Remarks:									

The three events will be displayed on the claims register by default for both court and PACER customers and are located in the History section.

Mortgage Proof of Claim *Attachment*

B 10 (Attachment A) (12/11)

Mortgage Proof of Claim Attachment

If you file a claim secured by a security interest in the debtor's principal residence, you must use this form as an attachment to your proof of claim. See Bankruptcy Rule 3001(c)(2).

Name of debtor: _____ Case number: _____

Name of creditor: _____ Last four digits of any number you use to identify the debtor's account: _____

Part 1: Statement of Principal and Interest Due as of the Petition Date

Itemize the principal and interest due on the claim as of the petition date (included in the Amount of Claim listed in Item 1 on your Proof of Claim form).

1. Principal due (1) \$ _____

2. Interest due

Interest rate	From mm/dd/yyyy	To mm/dd/yyyy	Amount
_____ %	___/___/___	___/___/___	\$ _____
_____ %	___/___/___	___/___/___	\$ _____
_____ %	___/___/___	___/___/___	+ \$ _____
Total interest due as of the petition date			\$ _____

Copy total here ► (2) + \$ _____

3. Total principal and interest due (3) \$ _____

B10 Attachment A (Dec 1, 2011)

Pursuant to Rule 3001(c) (2), creditor *must* use this form as an attachment to their proof of claim on the debtor's principal residence.

Summary



- Rule 3002.1 will take effect December 1, 2011
- Pertains to debtors' principal residence on Chapter 13 filings
- Courts will need to create new events
- Site table of *DktEntrySuppress* created at installation
- Two new B10 forms for supplemental claim events
 - B10 Supplement 1 – Notice of Payment Change
 - B10 Supplement 2 – Notice of Postpetition Mortgage Fees, Charges and Expenses
- B10 Attachment A, pursuant to Rule 3001(c)(2), is required to be filed with a proof of claim secured by the debtor's principal residence